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Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Belgium*, Egypt (on behalf of the African Group), Germany, Ireland, Italy, Netherlands and Spain*: draft resolution

1997/... Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolutions S-3/1 of 25 May 1994, 1995/91 of 8 March 1995 and 1996/76 of 23 April 1996,

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms as well as to eliminate impunity,

Noting the massive return to the country from Zaire and the United Republic of Tanzania of over 1 million Rwandan refugees who left the country in 1994,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note with concern of the report of the Special Rapporteur (E/CN.4/1997/61) and the report of the High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (E/CN.4/1997/52) concerning violations of human rights and fundamental freedoms in Rwanda,

Reaffirming that the protection and promotion of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Welcoming the restructuring of the judicial system and the start of prosecution of those suspected of having committed the crime of genocide and the massacres in Rwanda,

1. Takes note of the reports of the Special Rapporteur on the situation of human rights in Rwanda and the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda;

2. Reiterates its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights which were perpetrated in Rwanda, and expresses its concern at the continuation of human rights violations in Rwanda;

3. Remains deeply concerned at the continued suffering experienced by the survivors of the genocide and the massacres, especially the most vulnerable persons, and urges the Government of Rwanda and the international community to provide them with the necessary assistance;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations;

5. Calls upon the Government of Rwanda to investigate with vigour, and where possible to prosecute and punish, cases of rape and other sexual violence that occurred during and after the genocide, and to take steps to facilitate the participation of women, particularly genocide survivors and recent returnees, in all phases of social and economic reconstruction, with particular attention to matters concerning ownership of property;

6. Also calls upon the Government of Rwanda to extend an invitation to the Special Rapporteur on violence against women to visit Rwanda, for the

purpose of studying the issue of sexual violence, its consequences and its relationship to the ongoing work of the International Criminal Tribunal for Rwanda as well as of national tribunals;

7. Welcomes the start of the trial of those suspected of the crime of genocide and crimes against humanity in Rwanda, remains concerned at the conditions under which the first genocide trials have been conducted, especially with respect to legal representation, and encourages the Government of Rwanda to renew its commitment and its efforts to guarantee fair trials in accordance with internationally agreed standards and principles;

8. Expresses its concern with respect to conditions of detention which are not in conformity with international standards, appeals to the Government of Rwanda to take further action to improve these conditions and urges the international community to assist the Government of Rwanda in that field;

9. Appeals to the international community to contribute further financial and technical support to the Government of Rwanda for the strengthening of Rwanda's judicial system and for the reconstruction of human rights infrastructure;

10. Encourages the efforts of the Government of Rwanda to reconstruct a State based on the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international instruments;

11. Expresses its grave concern at the deterioration in the human rights situation in Rwanda since the beginning of January 1997, in particular the increase in the killing of and attacks against genocide survivors and witnesses by members of the former Forces Armées Rwandaises, Interahamwe militia or other insurgents, and the killing of unarmed civilians by some elements of the security forces;

12. Notes the commitment of the Government of Rwanda to investigate extrajudicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct these investigations promptly and with all due rigour;

13. Condemns in the strongest terms any acts of violence or intimidation against the staff of the United Nations or any other international staff serving in Rwanda, especially the assassination of five

human rights observers - one Cambodian, one United Kingdom and three Rwandan nationals - that of three Spanish members of Médecins du monde and that of a Canadian national, and pays tribute to their memory;

14. Appeals to the Government of Rwanda to continue to ensure the security of United Nations staff, humanitarian personnel and all individuals serving in the country;

15. Expresses its satisfaction at the welcome extended by the Government of Rwanda to the Rwandan refugees who left the country in 1994 upon their massive return in November 1996, and calls upon the Government of Rwanda to guarantee their safety and right to property;

16. Calls upon States, United Nations bodies and agencies and other international organizations to intensify their efforts to contribute further financial and technical support to the efforts of the Government of Rwanda aimed at the resettlement of all the refugees and survivors of the 1994 genocide and massacres, as well as the implementation of the national reconstruction and resettlement programme;

17. Reaffirms the importance of the continuation of the Human Rights Field Operation in Rwanda, welcomes the cooperation the Government of Rwanda has continuously extended to it and calls upon the Government of Rwanda to ensure the security and safety of the staff of the Operation and access for that staff throughout Rwanda;

18. Reiterates its requests that all States concerned cooperate fully with the International Criminal Tribunal for Rwanda and to ensure that all those guilty of the crime of genocide, crimes against humanity and other grave violations of human rights committed in Rwanda are brought to justice in accordance with international principles of due process;

19. Expresses its appreciation for the work the Special Rapporteur has carried out in the past three years in the fulfilment of his mandate;

20. Requests the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate;

21. Requests the special representative to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session in accordance with his mandate;

22. Requests the High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission on Human Rights and the General Assembly;

23. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and to work for lasting solutions to the problem of its financing including through the regular budget of the United Nations;

24. Requests the United Nations High Commissioner for Human Rights to submit a report on the implementation of the present resolution, under agenda item 10, to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session.